

### Remarks

Claims 1-3, 5-12, 14 and 18-21 are currently pending in the present patent application. Claims 4, 13 and 15-17 have been cancelled without prejudice. Claims 1-3, 6 and 18-19 have been amended. Support for the “at least some” amendment language in claim 1 appears in paragraphs [0009] and [0026] of the specification. Claim 4 has been incorporated into claim 1. Each occurrence of the word “each” was deleted from claim 2 and replaced with the word --the-- in view of the amendment made to claim 1. The words “each of the rippers” were deleted from claim 3 and replaced with the words --the rippler-- in view of the amendment made to claim 1. The remaining amendments made to claim 2 and the amendments made to claims 6 and 18-19 were stylistic edits. For the convenience of the patent examiner, Applicant will address the issues raised in the order presented in the Office Action dated June 16, 2006.

### Detailed Action

1. Applicant was surprised by the withdrawal of the allowability of claims 1-11 in view of U.S. Pat. No. 5,194,904 (Ruch) since Ruch has nothing to do with vacuum used in a paper deliverer.

2. *Claim Rejections – 35 USC § 112* Claims 15 and 17 were rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 15 and 17 have been cancelled without prejudice thereby rendering the rejections of claims 15 and 17 moot. Withdrawal of the 35 USC § 112, second paragraph rejection is earnestly solicited.

3. *Claim Rejections – 35 USC § 102* Claim 15 was rejected under 35 USC § 102(b) as allegedly being anticipated by U.S. Pat. Pub. No. 20020121738 (Stocum). Claim 15 has been cancelled without prejudice thereby rendering the rejection of claim 15 moot. Withdrawal of the 35 USC § 102(b) rejection is earnestly solicited.

4. *Claim Rejections – 35 USC § 103* Claims 1, 5 and 7 were rejected under 35 USC § 103(a) as allegedly being unpatentable over Stocum in view of numbered paragraphs [0003] and [0004] of the specification, and further in view of Ruch. Applicant was surprised by the withdrawal of the allowability of claims 1-11 in view of these references since Stocum and Ruch have nothing to do with vacuum used in a paper deliverer as is claimed in claim 1. The patent examiner is improperly using hindsight in reconstructing claim 1 by combining Stocum, numbered paragraphs [0003] and [0004] of the specification and Ruch. In any event, in an effort

to expedite prosecution and allowance of the present patent application, claim 1 has been amended to include allowable subject matter as indicated by the patent examiner in the Office Action under the Allowable Subject Matter section. Specifically, claim 4 has been incorporated into claim 1. Dependent claims 5 and 7 depend from allowable claim 1 and, therefore, are believed to be allowable as well. Withdrawal of the 35 USC § 103(a) rejection is earnestly solicited.

5. ***Allowable Subject Matter.*** Allowance of claims 12, 14 and 18-21 is acknowledged. The objection to claims 2-4, 6 and 8-11 as being dependent on a rejected base claim and indication that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims is acknowledged. Claim 4 has been incorporated into claim 1.

6. ***Conclusion.*** No response is necessary.

**Conclusion**

It is respectfully submitted that the present application is in condition for allowance. If the patent examiner would like to suggest changes of a formal nature to place this application in better condition for allowance, a telephone call to Applicant's undersigned attorney would be appreciated.

Respectfully submitted,



David P. Maivald  
Attorney for Applicant  
Registration Number 42,831  
Telephone: 412-566-6088  
E-mail: [ipmail@eckertseamans.com](mailto:ipmail@eckertseamans.com)